

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**95-11-07 McDonnell Douglas:** Amendment 39-9242. Docket 94-NM-79-AD.

**Applicability:** Model DC-10-10, -10F, -15, -30, -30F, -40, and -40F series airplanes, and KC-10A (military) airplanes; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent undetected cracked or failed attach bolts that may lead to reduced structural integrity of the vertical stabilizer, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform an ultrasonic inspection to detect cracking in the attach bolts of the upper vertical stabilizer, in accordance with McDonnell Douglas DC-10 Service Bulletin 55-20, Revision 2, dated August 4, 1994, unless accomplished within the last 18 months prior to the effective date of this AD in accordance with McDonnell Douglas DC-10 Service Bulletin 55-20, Revision 1, dated March 8, 1991, or Revision 2, dated August 4, 1994.

(1) If no cracking is detected in any bolt, repeat the inspection of the uncracked bolt thereafter at intervals not to exceed 18 months, until the requirements of paragraph (c) of this AD are accomplished.

(2) If cracking is detected in any bolt, prior to further flight, replace the cracked bolt and associated nut with a new Inconel attach bolt and associated nut, in accordance with the service bulletin. No further action is required by this AD for the new Inconel bolts and associated nuts.

(b) Compliance with the inspections required by paragraph (a) of this AD constitutes compliance with the inspections and reports required by paragraph (b) of AD 93-17-09, amendment 39-8680, for Principal Structural Element (PSE) 55.10.001/002. However, after installation of new Inconel bolts and associated nuts, in accordance with the requirements of paragraphs (a) and (c) of this AD, PSE 55.10.001/002 must continue to

be inspected in accordance with AD 93-17-09.

(c) Within 5 years after the effective date of this AD, replace all H-11 attach bolts and associated nuts of the upper vertical stabilizer with new Inconel attach bolts and associated nuts, in accordance with McDonnell Douglas DC-10 Service Bulletin 55-20, Revision 1, dated March 8, 1991; or Revision 2, dated August 4, 1994. Such replacement constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The inspections and replacement shall be done in accordance with McDonnell Douglas DC-10 Service Bulletin 55-20, Revision 1, dated March 8, 1991, or McDonnell Douglas DC-10 Service Bulletin 55-20, Revision 2, dated August 4, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 29, 1995.

Issued in Renton, Washington, on May 18, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-12713 Filed 5-26-95; 8:45 am]

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## **DEPARTMENT OF THE TREASURY**

### **Customs Service**

#### **19 CFR Part 10**

[T.D. 95-45]

### **Reciprocal Privileges Extended to Aircraft Registered in Abu Dhabi, Bahrain, Oman and Qatar**

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations by adding Abu Dhabi, Bahrain, Oman and Qatar to the list of countries whose registered commercial aircraft are entitled to certain privileges that exempt from Customs duties and internal revenue taxes their supplies and equipment that are withdrawn from Customs or Internal Revenue custody. Customs has been duly informed that the Governments of these countries allow exemption privileges to U.S.-registered aircraft in connection with international commercial operations that are substantially reciprocal to the exemption privileges that may be allowed under U.S. law to aircraft of foreign registry. Accordingly, Customs is extending reciprocal privileges.

**DATES:** This amendment is effective May 30, 1995. These reciprocal privileges were granted on June 1, 1994.

**FOR FURTHER INFORMATION CONTACT:** William G. Rosoff, Entry Rulings Branch, (202) 482-7040.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 309 (a)(3) and (d) and 317, Tariff Act of 1930, as amended (19 U.S.C. 1309 (a)(3) and (d) and 1317), provide that foreign-registered aircraft engaged in foreign trade may withdraw from Customs or Internal Revenue custody, free of customs duties and internal revenue taxes imposed by reason of importation, articles of foreign or domestic origin for supplies (including equipment), ground equipment, maintenance, or repair of the aircraft. The privileges granted by these sections are allowed only if the Secretary of Commerce finds and advises the Secretary of the Treasury that the foreign country in question affords substantially reciprocal privileges to U.S.-registered aircraft. The regulations implementing these reciprocal duty-free customs and internal revenue tax exemptions are found at § 10.59(f), Customs Regulations (19 CFR 10.59(f)), which enumerates

those countries entitled to reciprocal privileges and designates the extent of the exemptions allowed.

In accordance with 19 U.S.C. 1309(d), the Deputy Assistant Secretary for Service Industries and Finance, International Trade Administration, Department of Commerce, has advised the Customs Service by letter dated April 17, 1995, that following an appropriate investigation, it has been found that the Governments of Abu Dhabi, Bahrain, Oman and Qatar allow or would allow to aircraft of United States registry exemption privileges, in connection with international commerce operations, substantially reciprocal to those exemption privileges provided to aircraft of foreign registry by sections 309 and 317 of the Tariff Act of 1930, as amended. The effective date of this finding is June 1, 1994.

This document amends the list in § 10.59(f), Customs Regulations (19 CFR 10.59(f)) by adding Abu Dhabi, Bahrain, Oman and Qatar to the list of countries entitled to reciprocal privileges.

Authority to amend this section of the Customs Regulations has been delegated to the Chief, Regulations Branch.

**Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12866**

Because the subject matter of this document does not constitute a departure from established policy or procedures, but merely announces the granting of an exemption for which there is a statutory basis, it has been determined, pursuant to 5 U.S.C. 553(b)(B), that the notice and public comment procedures thereon are unnecessary. Further, for the same reasons and because Abu Dhabi, Bahrain, Oman and Qatar have been found to be presently granting reciprocal exemption privileges to U.S.-registered aircraft, it has been determined, pursuant to 5 U.S.C. 553(d)(1) and (3), that a delayed effective date is not required. Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

**List of Subjects in 19 CFR Part 10**

Aircraft, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements.

**Amendment to the Regulations**

To reflect the reciprocal privileges granted to aircraft registered in Abu Dhabi, Bahrain, Oman and Qatar, part 10, Customs Regulations (19 CFR part 10) is amended as set forth below:

**PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.**

1. The authority citation for part 10 continues to read, in part, as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624;

\* \* \* \* \*

Section 10.59 also issued under 19 U.S.C. 1309, 1317;

\* \* \* \* \*

**§ 10.59 [Amended]**

2. Section 10.59(f) is amended in the table by adding to the column headed "Country", in appropriate alphabetical order, "Abu Dhabi", "Bahrain", "Oman", and "Qatar" and by adding "95-45" adjacent to the names of the above-listed countries in the column headed "Treasury Decision(s)".

Dated: May 23, 1995.

**Harold M. Singer,**  
*Chief, Regulations Branch.*

[FR Doc. 95-13070 Filed 5-26-95; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 944**

**Utah Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving, with an exception and additional requirements, a proposed amendment to the Utah regulatory program (hereinafter referred to as the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah proposed revisions to and additions of rules pertaining to retention of highwalls in the postmining landscape. Utah submitted the amendment with the intent of revising its program to be consistent with the corresponding Federal regulations, clarifying ambiguities, and improving operational efficiency.

**EFFECTIVE DATE:** May 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Abbs, Acting Director, Albuquerque Field Office, Telephone: (505) 766-1486.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Utah Program**

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

**II. Proposed Amendment**

By letter dated November 12, 1993, Utah submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. UT-875). Utah submitted the proposed amendment at its own initiative and in response to the required State program amendments codified at 30 CFR 944.16 (a), (b), (c), and (d). The provisions of the Utah Administrative Rules (Utah Admin. R.) that Utah proposed to revise were: Utah Admin. R. 645-301-553.200, spoil and waste; Utah Admin. R. 645-301-553.252, refuse piles; Utah Admin. R. 645-301-553.500, previously mined areas (PMA's), continuously mined areas (CMA's), and areas subject to the approximate original contour (AOC) requirements; Utah Admin. R. 645-301-553.520, exception from complete highwall elimination for CMA's; Utah Admin. R. 645-301-553.523, stability criteria for highwall remnants and retained highwalls; Utah Admin. R. 645-301-553.600 and .620, AOC variances for incomplete elimination of highwalls in PMA's or CMA's; Utah Admin. R. 645-301-553.631, mountaintop removal operations; Utah Admin. R. 645-301-553.650, required showing by the operator and required findings by the regulatory authority necessary for approval of a retained highwall; Utah Admin. R. 645-301-651, height restrictions for retained highwalls; Utah Admin. R. 645-301-553.652, the applicability date of Utah's AOC standards at Utah Admin. R. 645-301.553.651 through .655; Utah Admin. R. 645-301-553.653, the restoration of retained highwalls to cliff-type habitats required by the flora and fauna existing prior to mining; and Utah Admin. R. 645-301-553.654, compatibility of retained highwalls with both the